

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

FRANK FIGUEROA, §
§
Petitioner, §
VS. § CIVIL ACTION NO. C-10-374
§
RICK THALER, §
§
Respondent. §

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

On April 7, 2011, United States Magistrate Judge B. Janice Ellington signed a Memorandum and Recommendation recommending that respondent's motion for summary judgment (D.E. 21) be granted, that petitioner's application for habeas corpus relief be dismissed with prejudice; and that a Certificate of Appealability be denied. On April 20, 2011, petitioner filed Objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that respondent's motion for summary judgment is granted and petitioner's application for habeas corpus relief is dismissed with prejudice. Certificate of appealability is denied.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 11th day of May, 2011.



Janis Graham Jack
United States District Judge